

ACT 156

H.B. NO. 2259

A Bill for an Act Relating to Marine Events.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature recognizes that marine events often require more than one year of advance planning in light of the many responsibilities involved. For example, if ocean access during an event will be from private property, the permit applicant must provide proof of permission from the landowner before a permit may be issued. Event organizers experience hardships when the department of land and natural resources is unable to approve or deny permit applications well in advance of proposed events. The legislature finds that many individuals have expressed interest in applying to the department of land and natural resources for marine event permits up to one year in advance of an event.

The legislature is also aware of the immense popularity of regattas, marine parades, surfing contests, and other marine events in the State. During these events, ocean conditions can be extremely hazardous to both participants and spectators. Furthermore, spectators may use vessels, thrill craft, drones, and other means to observe and capture photos and videos of these events, which may interfere with the event, infringe upon an event organizer's exclusive use of areas designated for use during the event, and put event participants at risk of serious injury or death. These issues arose during recent surf contests, such as the Peahi Challenge and the Quiksilver in Memory of Eddie Aikau.

Accordingly, the purpose of this Act is to:

- (1) Prohibit the holding of a marine event without a permit from the department of land and natural resources or prior authorization from the United States Coast Guard;
- (2) Allow individuals to apply for marine event permits up to one year in advance of the date of a proposed marine event; and
- (3) Authorize the department of land and natural resources to adopt rules to mitigate the hazards posed by vessels, thrill craft, drones, and other means used by spectators to observe or record regattas,

marine parades, surfing contests, and other marine events in the waters of the State.

SECTION 2. Chapter 200, Hawaii Revised Statutes, is amended by adding two new sections to part II to be appropriately designated and to read as follows:

“§200- Marine events; permits; exclusive use; cancellation fee. (a) No person shall hold a marine event, including but not limited to a regatta, marine parade, or surfing contest, without written authorization from the department; provided that the department’s written authorization is not required if prior authorization has been secured from the Coast Guard.

(b) Authorization shall be in the form of a permit. All permits and permit applications shall be subject to the following:

- (1) Permit applications shall be on a form prescribed by the department;
- (2) Permit applications may be submitted to the department up to one year in advance of the date of a proposed event;
- (3) The applicant shall submit the completed application, proof of valid insurance, and proof of approval from the land owner;
- (4) The department shall use its best efforts to grant or deny a permit within thirty days of receiving a permit application;
- (5) The department shall charge a fee for issuance of marine use permits under this section and collect an additional \$250 nonrefundable deposit, which shall be retained by the department if the permit is canceled within sixty days of the scheduled date of the marine event;
- (6) The department may issue an exclusive marine use permit to an applicant to confer upon the applicant the use of state waters and other areas under the jurisdiction of the State that have been specifically designated for use during the marine event, to the exclusion of all others who are not the applicant or event participants; provided that the department shall charge an exclusive marine use permit fee for the permit, which shall be higher than the permit fee charged pursuant to paragraph (5); and
- (7) Any applicant who has been granted a permit under this section and wants to cancel the permit shall request a cancellation from the department in writing. If an applicant who has been granted a permit under this section submits a cancellation request to the department less than ninety calendar days before the scheduled date of the marine event, the department may assess a cancellation fee.

The marine use permit fee, exclusive marine use permit fee, and cancellation fee amounts to be charged by the department pursuant to this subsection shall be determined by the department.

(c) The department may adopt rules, pursuant to chapter 91, necessary to effectuate this section.

(d) As used in this section, “marine event” means an organized water event of limited duration that is conducted according to a prearranged schedule, and by its nature, circumstances, or location, will introduce extra or unusual hazards to the safety of persons or property in the waters of the State.

§200- Event spectators; hazards; mitigation. The department may adopt rules, pursuant to chapter 91, to mitigate the hazards posed by vessels, thrill craft, drones, and other means used by spectators to observe or record regattas, marine parades, surfing contests, and other marine events held in the wa-

ters of the State; provided that the department shall consult the department of transportation and the Federal Aviation Administration before adopting rules regulating the use of drones.”

SECTION 3. The department of land and natural resources shall submit a report of its progress in implementing the permitting process and adopting rules pursuant to section 2 of this Act, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2019.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2018.

(Approved July 9, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.